

1 A. I don't remember.

2 Q. Can you read back the previous answer?

3 (The answer was read back by the
4 reporter.)

5 Q. Let's go down this list then of allegedly
6 false statements. None of my supervisors like me,
7 to whom did she make that statement?

8 A. To other supervisors.

9 Q. Who?

10 A. She said Dr. Kirshner was one.

11 Q. Spell that for us?

12 A. K-I-R-S-H-N-E-R.

13 Q. She made that statement to Dr. Kirshner?

14 A. And, yes, and she also made the statement to
15 Dr. Mufson.

16 Q. Spell that?

17 A. M-U-F-S-O-N.

18 Q. The same statement?

19 A. Yes.

20 Q. None of your supervisors like you?

21 A. Yes.

22 Q. Okay. When did she make the statement to
23 Dr. Kirshner?

24 A. I don't remember the dates, during the

1 period I was in training.

2 Q. Which was a four-year period of time, right?

3 A. Yes.

4 Q. So anywhere within the four-year period of
5 time?

6 A. Within the first three years.

7 Q. So it could have been the first year?

8 A. Probably not.

9 Q. But you are not sure?

10 A. No.

11 Q. And she made the same statement with
12 Dr. Mufson?

13 A. Yes.

14 Q. Same timeframe?

15 A. Yes.

16 Q. Can you pinpoint it any better?

17 A. No.

18 Q. Was anyone else present?

19 A. I don't, I don't know.

20 Q. You don't remember or you don't recall?

21 A. I don't know. I was told by the supervisors
22 that she had made that statement, and actually I was
23 surprised that she made the same statement in her
24 deposition.

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1 Q. Okay. That may be, you may have been
2 surprised, but my question to you is was anyone else
3 present, and I guess your answer is you don't know?

4 A. Yes, I don't know.

5 Q. And you were not present when these
6 statements were allegedly made to Dr. Kirshner or
7 Dr. Mufson, correct?

8 A. I wasn't, yes.

9 Q. But you were told by some people that these
10 statements were made?

11 A. Yes.

12 Q. And you were told by, as you put it,
13 supervisors that you made these statements?

14 A. Sorry?

15 Q. Who told you that she made these statements?

16 A. Dr. Mufson's fellow told me.

17 Q. Dr. Mufson's secretary?

18 A. Fellow, fellow.

19 Q. Who was that?

20 A. Dr. Dan.

21 Q. Sorry?

22 A. Dr. Dan.

23 Q. Dang, D-A-N-G?

24 A. No, Dan, D-A-N.

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1 Q. Dan, what was Dan's last name?

2 A. I can't spell it, but Ione, I don't know the
3 spelling, but maybe I-O-N-E.

4 Q. When was he a fellow of Dr. Mufson?

5 A. When I was doing rotation with Dr. Mufson.

6 Q. And what year was that?

7 A. He told me that Dr. Mufson wanted me to know
8 that Dr. Mushrush is making comments like this, and
9 I should be careful with Dr. Mushrush.

10 Q. Yes, and so what year would this have been?

11 A. Probably 2002. That was during my rotation
12 with Dr. Mufson, I think it was in 2002.

13 Q. The first half of 2002?

14 A. Yes.

15 Q. Do you know who was present when
16 Dr. Mushrush made this statement to Dr. Mufson?

17 A. She called him.

18 Q. She what?

19 A. She called him.

20 Q. Yeah, but do you know who else might have
21 been present --

22 A. I don't know.

23 Q. -- to hear it?

24 A. How do I know?

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1 Q. That's my question, do you know of anybody
2 who was present?

3 A. No, I don't.

4 Q. When this call was made?

5 A. I don't.

6 Q. Besides Dr. Kirshner and Dr. Mufson, to whom
7 did Dr. Mushrush make the alleged statement that
8 none of your supervisors like you?

9 A. Dr. Chang.

10 Q. Dr. Chang?

11 A. Yeah.

12 Q. When did she make that statement to
13 Dr. Chang?

14 A. I don't know, but Dr. Chang told me in
15 2000 -- again it might have been 2002, I think, or
16 February.

17 Q. Dr. Chang told you in 2002 --

18 A. Yes.

19 Q. -- that she said that to him?

20 A. Yes.

21 Q. And what were the exact words that Dr. Chang
22 reported to you?

23 A. I don't remember exact words, but he said
24 Dr. Mushrush said -- you should be careful with

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1 Dr. Mushrush, she doesn't like you, and she has been
2 telling, what he told me, that she has been telling
3 everybody that nobody likes you and that you are not
4 a good psychiatrist, and that I have a problem in
5 all my rotations, patients don't like me.

6 Q. Did she ever make such a statement, or any
7 such statement as you just identified, any of those
8 statements, in your presence?

9 A. Yes.

10 Q. When did she make such statements in your
11 presence?

12 A. She made this comment maybe in May of 2002.

13 Q. Okay, and who else was present?

14 A. Dr. Swett was there.

15 Q. What exactly did she say?

16 A. I don't remember exact words, but she said
17 the patients don't like you.

18 Q. Did she ever say that -- okay.

19 A. And you have a problem in all your
20 rotations.

21 Q. Anyone else present besides Dr. Swett?

22 A. No.

23 Q. Apart from this one occasion, did she ever
24 say that again?

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1 A. I don't remember.

2 Q. And why do you place it in 2002?

3 A. Because there is a time when I got the
4 letter from the Promotions Committee saying that, I
5 got the letter of the Promotions Committee telling
6 me that I have to repeat some the rotations that I
7 have already passed.

8 Q. Now, the statement that you are not a good
9 psychiatrist, how many times did she make that
10 statement to your knowledge?

11 A. I don't know how many times.

12 Q. You are aware of it one time, correct?

13 A. Yes.

14 Q. Patients don't like you, how many times did
15 she make that statement?

16 A. I remember one was made in my presence, but
17 then Dr. Chang told me she told him many times?

18 Q. You have personal knowledge of only one
19 time, correct?

20 A. Yes, yes, I was personally there only once,
21 yes.

22 Q. And that was in 2001?

23 A. 2.

24 Q. How do you place it in 2002?

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1 A. That was in front of Dr. Swett.

2 Q. In front of what?

3 A. Dr. Swett.

4 Q. That's the same conversation?

5 A. Yes, same conversation.

6 Q. And that you failed many rotations, how many
7 times did she make that statement?

8 A. I know, I know she made this comment to
9 Dr. Mufson.

10 Q. That's it, that's the only time?

11 A. I can recall that one, yeah.

12 Q. She never made that statement in your
13 presence, correct?

14 A. Yes.

15 Q. That is correct?

16 A. That is correct.

17 Q. Now, this call to Dr. Rauch, made derogatory
18 remarks for no reason, what's the basis for your
19 knowledge of that?

20 A. Dr. Rauch told me.

21 Q. What did he tell you?

22 A. He told me that somebody named Dr. Mushrush
23 called me, he did not even know her, and she said
24 that she is calling from Dr. McCarley's office, and

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1 she said that if you are thinking of hiring
2 Dr. Badgaiyan in Mass. General for rotation
3 residency, but I have to tell you that there are a
4 lot of problems. He did not, he did not exactly
5 elaborate, Dr. Rauch did not elaborate what she
6 said, but he said she was making derogatory
7 comments.

8 Q. Did you ask what did she say?

9 A. Yes.

10 Q. And what did he respond?

11 A. He said, Oh, just calling to tell about it.

12 Q. To what?

13 A. To tell about you.

14 Q. Have you told me everything you can recall
15 of that conversation?

16 A. I don't -- that is what I recall now.

17 Q. Did you write anything down about this
18 conversation?

19 A. No.

20 Q. Do you have any notes anywhere?

21 A. No.

22 Q. So how could you refresh your memory other
23 than talking to Dr. Rauch?

24 A. No.

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1 Q. When is the last time you talked to him?

2 A. About a year ago.

3 Q. How do you spell it, R-A-U-S-C-H?

4 A. R-A-U-C-H, I think.

5 Q. Where was Dr. Rauch when Dr. Mushrush
6 allegedly called?

7 A. He was in his office in Mass. General.

8 Q. In Mass. General in what department?

9 A. Psychiatry.

10 Q. Were you seeking a position with Dr. Rauch?

11 A. Yes.

12 Q. What was the position you were seeking?

13 A. I think we did not decide on the position at
14 that time, but I just wanted to work with him.

15 Q. When was this call allegedly made by
16 Dr. Mushrush?

17 A. I think 2002.

18 Q. Did you ever go to work for Dr. Rauch?

19 A. No, I never, but he knows me, we know each
20 other for a long time.

21 Q. Did he ever -- did you ever formally apply
22 for a position with him?

23 A. No, no.

24 Q. Apart from what you've already testified to,

1 are there any written documents that Dr. Mushrush
2 authored that contain false statements about you?

3 A. They are false statements on this document
4 that he showed me.

5 Q. Which ones are you pointing to?

6 A. The one which you say is Promotions
7 Committee Meeting.

8 Q. And you say there is a false statement in
9 there offered by Dr. Mushrush?

10 A. Yes.

11 Q. And what is the false statement?

12 A. The first one is false, the point is --

13 Q. I'm sorry, what's the Bates number on that
14 and what's the exhibit number, please?

15 A. Sorry, Exhibit No. 15, page 0152.

16 Q. 0154?

17 A. 0152.

18 Q. Thank you. And what paragraph?

19 A. Fourth paragraph, "To enumerate a number of
20 these incidents," No. 1, that is false.

21 Q. Okay.

22 A. No. 2 I think is false, because if I was the
23 most difficult resident, then I would have got a
24 warning. No. 3 is absolutely false, I never said

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1 that I would be an observer.

2 Q. Okay.

3 A. And then, "After our receiving complaints
4 about his lack of commitment and cooperation from
5 the attendings on nearly every rotation that he
6 started, he was placed on probation," that is false.
7 You can see the evaluations, I got 4's and 5's
8 recommendations on most of my rotations, and she
9 says their lack of commitment and cooperation from
10 the attendings, there is not a single letter that
11 says there is a lack of cooperation or commitment.

12 Q. Anything else?

13 A. No. 5 is wrong, "He refuses to attend the
14 preceptor sessions." Number 6 is wrong, "He has not
15 taken seriously the recommendations of the nurses,"
16 there is not a single complaint from any nurse that
17 I know of, except the one that she mentioned, and
18 then her e-mail about the promotions, her e-mail in
19 which she, she mentioned that I was put on
20 probation, that is wrong, that she has received
21 complaints, the statement that I was teaching at
22 Mass. General Hospital is wrong. There are many
23 wrong statements.

24 Q. My question to you, sir, is this document

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1 you were just pointing out wrong statements in that
2 is Bates stamp 0152 and 53, with whom was this
3 document shared, if you know?

4 A. I don't know.

5 Q. You have no knowledge, do you?

6 A. I have no knowledge at all, but I believe, I
7 believe this document was shared with the persons
8 attending the meeting.

9 Q. You have no knowledge, however?

10 A. I have no knowledge, yes.

11 Q. And the e-mail that you just referred to,
12 you don't know with whom that was shared, if at all,
13 other than with yourself, correct?

14 A. Yeah, but it was sent to the Board.

15 Q. I'm sorry?

16 A. It was sent to the Board.

17 Q. What's the Bates stamp on that, the e-mail
18 you are referring to?

19 A. I think that was July 1st.

20 Q. Okay, that's 0149 -- I'm sorry, 0148, is
21 that the e-mail you are talking about?

22 A. What was the page number?

23 Q. Talking about the e-mail that talks about
24 you being on probation?

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1 A. Because this is, this is a printout of the
2 response, of the reply.

3 Q. I see.

4 A. And so she replied only to me, but when she
5 sent the first original e-mail, I believe she sent a
6 copy to Dr. Festin.

7 Q. But you are not positive?

8 A. No, I am almost positive.

9 Q. Now, you filed a complaint as we covered in
10 the first day's testimony with the EEO, the
11 Department of Veteran Affairs Office of Resolution
12 Management, correct?

13 A. Yes.

14 Q. And you never filed any complaint with any
15 Dispute Resolution Department at Harvard University,
16 correct?

17 A. Yes.

18 Q. That's correct?

19 A. That's correct.

20 Q. And so Harvard University never investigated
21 any of your complaints, correct?

22 A. Yes, even though I complain to the head of
23 the Harvard Department of Psychiatry.

24 Q. Did you file a written complaint?

1 Committee?

2 A. Yes.

3 Q. So it's your testimony that you filed
4 something in writing with Dr. McCarley complaining
5 right after you received this May 28, 2002 letter,
6 is that right?

7 A. Yeah.

8 Q. And in that document you filed with
9 Dr. McCarley or gave to Dr. McCarley, did you
10 complain of national origin discrimination?

11 A. No.

12 Q. You just complained about the unfairness of
13 the denial of promotion?

14 A. Yes.

15 Q. And is this -- this document was marked as
16 Exhibit 6 in the McCarley deposition, is this the
17 document that you are referring to, sir?

18 A. Yes, this is one of the documents.

19 Q. Was there another one?

20 A. Yes, the internship, I think I sent him five
21 or six e-mails.

22 Q. And in none of those e-mails you mentioned
23 discrimination based on national origin or race,
24 correct?

1 already passed.

2 Q. And did you?

3 A. I did, I had to.

4 Q. And did you successfully repeat them?

5 A. Yes.

6 Q. And what else?

7 A. But that delayed my graduation.

8 Q. For three months?

9 A. Three months, yes, and now in the last two
10 months she wanted me to do outpatient rotation for,
11 I think for two or three months, and coming only
12 once a week instead of finishing everything in one
13 or two weeks, she just wanted to stretch the time.

14 Q. She just wanted to what?

15 A. Stretch the time.

16 Q. Stretch the time?

17 A. Yes. So then actually I finished all
18 requirements by June of 2002, but then she made me
19 do more rotations until December of 2002, December
20 of 2002, and then I was supposed to finish my
21 residency in October of 2004 -- or 2003, sorry, and
22 instead of October, she let me finish in December of
23 2003.

24 Q. Okay. You are not saying that her having

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1 you repeat the rotations was directly related to
2 your filing the complaint with the EEO Dispute
3 Resolution Office, are you?

4 A. No, she did that the before I filed it.

5 Q. Okay.

6 A. And when she asked me to do rotations, then
7 I filed the complaint.

8 Q. So with respect to stretching out the time
9 that you were in the rotation, or the time that you
10 needed to complete the rotation, you are not saying
11 that was because you filed that EEO complaint, are
12 you?

13 A. I don't think so. She already, before I
14 filed the complaint, she already told me that I have
15 to do rotations until December of 2002.

16 Q. So there isn't anything that you identified
17 by way of an adverse action taken against you by her
18 that you say is because you filed that EEO
19 complaint?

20 A. Yes, yes, she did.

21 Q. What?

22 A. The mention of my probation.

23 Q. The mention of your probation.

24 A. Yes, because she never mentioned probation

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1 in any of my Limited License Applications, and I was
2 supposed to be put on probation in 2001, after that
3 she sent my limited license in 2002 and 3, she did
4 not mention probation on that, she did not mention
5 that disciplinary action was taken against me, she
6 did not mention any adverse remark, but suddenly
7 when I filed my application for full license, that
8 was after I made that EEO complaint, the probation
9 pops up.

10 Q. But you had filed for a limited license
11 after September of 2002, right?

12 A. Once, yes.

13 Q. And she didn't put anything in there about
14 probation on that, did she?

15 A. Yes, she did not put anything on that.

16 Q. So if there was a connection between your
17 filing for a license and her identifying probation,
18 why do you say there was a connection?

19 A. Because in 2002, when I filed Limited
20 License Application, that is supposed to be
21 pertaining to the last one-year period, so that was
22 fair, the last one here, I did not receive one, that
23 e-mail that said I was put on probation, but when I
24 filed Full License Application, that pertains to the

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1 whole period of training.

2 Q. Right, but my point is you are saying there
3 was a connection between your filing the EEO
4 complaint in September of 2002 and her mentioning
5 probation in your application for full licensure in
6 2004, correct?

7 A. Yes, there might be a connection, yes.

8 Q. And yet in your application in the interim
9 in 2003 for the limited license, she doesn't mention
10 probation, correct?

11 A. Yes.

12 Q. Okay. So my question to you, sir, is how is
13 it that you are drawing a connection between your
14 filing the complaint in 2002 and her mentioning the
15 probation in your Full License Application in 2004,
16 when in the interim you filed another license
17 application and she didn't mention it?

18 A. Because in the interim, the license
19 applications that are filed, they are only supposed
20 to contain only the information between the last
21 application and this application, that was only the
22 probation for one year, and in that one year she did
23 not even send me an e-mail saying I was put on
24 probation, there was no basis, but then she had an

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1 e-mail in 2001, she could not have mentioned that
2 one in that application, so she did not have an
3 opportunity.

4 Q. This e-mail was 2001 that mentioned you were
5 on probation?

6 A. Yes.

7 Q. In the application for 2003 --

8 A. Yes, she was supposed to mention what
9 happened only in 2003.

10 Q. You are certain of that?

11 A. Yes.

12 Q. Okay. So --

13 A. Application clearly says that all this
14 information pertains to the, what happened after the
15 last application.

16 Q. Okay. So now in 2004, when you applied for
17 a full license, you say that she mentioned probation
18 because you filed an EEO complaint two years before?

19 A. Yeah, that's possible.

20 Q. It's possible, but I am asking you what is
21 the evidence you have to connect the one event with
22 the other?

23 A. Because she did not mention this probation
24 in the previous applications. I got all the

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1 promotions, even though I was supposed to be on
2 probation, but she never mentioned anywhere, but
3 after I filed the complaint she mentioned it.

4 Q. Well, two years after you filed the
5 complaint she mentioned it?

6 A. Not two years.

7 Q. A year and two-thirds?

8 A. Yes, yes, by that time the complaint was
9 going on.

10 Q. My question to you, sir, is what are the
11 facts or evidence that you have that causes you to
12 assert that there was a connection between your
13 filing the EEO complaint in 2002, September, and
14 your filing and her mentioning probation in April of
15 2004?

16 A. I don't see of any other reason why she
17 mentioned probation.

18 Q. And that's the basis of your claim that
19 there is a connection?

20 A. Yes, yes.

21 Q. Anything else?

22 A. I don't remember, I can't say anything else.

23 Q. You didn't name Harvard University or
24 Harvard Medical School in the complaint you filed

1 with the DA, did you?

2 A. I don't remember.

3 Q. Now, you don't connect Dr. Mushrush's delay
4 in completing the license application to your filing
5 of the EEO complaint, do you?

6 A. I don't know.

7 Q. You don't have any evidence to support that?

8 A. I have no evidence.

9 Q. The fellowships that you received from
10 Harvard, or the fellowships you received while you
11 were at Harvard, did, did Dr. Mushrush interfere
12 with any of those fellowships?

13 A. what fellowships are you referring to?

14 Q. Any of them?

15 A. She could not have them.

16 Q. She was in no position to, right?

17 A. No, she was in no position.

18 Q. And you never filed a claim for worker's
19 Compensation with the Veterans Administration,
20 correct?

21 A. No.

22 Q. Or Harvard?

23 A. I don't remember that.

24 Q. Now, I am going to show you -- withdraw that

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1 question.

2 Now, while you were training with the
3 Veterans Administration, you were also working in
4 the Radiology Department at MGH?

5 A. Yes, I was doing research.

6 Q. And through the auspices of Harvard
7 University?

8 A. Yes.

9 Q. Did you speak to anyone at Harvard Medical
10 School about your concerns about discrimination?

11 A. What do you mean by Harvard Medical School,
12 anyone in Harvard Medical School?

13 Q. Yeah. You didn't, you didn't go to the
14 human resources department or anyone --

15 A. No.

16 Q. -- and say I want to file a complaint --

17 A. No.

18 Q. -- against Harvard for race discrimination?

19 A. At one point, actually I called -- no, I
20 don't remember, no, not Harvard.

21 Q. Now, are there any, besides the names of
22 people that came up in your testimony over the
23 course of the day and a half you have been
24 testifying in this case, are there any other persons

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1 that you believe possess knowledge or information
2 that support your claims in this case that you
3 intend to call as a witness?

4 A. At this point, I don't recall, I can't think
5 of any.

6 Q. Anyone whose name hasn't come up in this
7 testimony?

8 A. Yeah, I don't know.

9 Q. You can't think of any?

10 A. I can't think of any names.

11 Q. And today you are still conducting research
12 pursuant to grants you've received?

13 A. Yes.

14 Q. And you are in what department?

15 A. Radiology.

16 Q. At the --

17 A. Mass. General.

18 Q. Mass. General Hospital?

19 A. Yes.

20 Q. Have you received any grants since we last
21 were together?

22 A. Actually, one of my grants was rejected.

23 Q. I'm sorry?

24 A. One of my grants was rejected.

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1 I would see, but not talking about me.

2 Q. I am talking about you personally for any
3 type of treatment?

4 A. No, no.

5 Q. Can you read the next section down, please,
6 it starts with, "How have you been treated
7 differently than a like-situated employee? Be
8 specific." And you wrote?

9 A. "Other residents who have similar or worse
10 performance evaluations were promoted to the next
11 year while I was denied promotion and renewal of
12 contract."

13 Q. What time period are you specifically
14 talking about when you mention this here?

15 A. This is 2002.

16 Q. Is that 2002 to 2003?

17 A. Yes.

18 Q. Who were these other residents that you are
19 talking about?

20 A. All my colleagues, if somebody is not doing
21 well in a rotation, then we know, we all talk about
22 that rotation with each other, so I know other
23 residents have more severe problems than I have.

24 Q. I understand. Can you tell me specifically

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1 who some of those individuals were?

2 A. Yeah, Dr. Alexandra Darabus.

3 Q. Hold on a second, I have to make sure I get
4 this down. Can you say that again, Doctor who?

5 A. Alexandra Darabus.

6 Q. Last name, spell it please?

7 A. D-A-R-A-B-U-S.

8 Q. And how did you know that she was doing
9 worse than you were doing?

10 A. We used to talk if we have any problems, but
11 she had problems, more problems. The supervisor
12 told her she had problems, none of my supervisors
13 told me that I have any problems.

14 Q. Who was her supervisor?

15 A. I don't remember the name.

16 Q. You don't remember who her supervisor was?

17 A. Her supervisor?

18 Q. Correct.

19 A. No, I don't remember.

20 Q. Do you still keep in touch with Dr. Darabus?

21 A. Not in a long time.

22 Q. Do you know where she currently is working?

23 A. Yeah, she works in Corrigan.

24 Q. Where?

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1 worse performance than you did?

2 A. Right, right.

3 Q. When did you speak with her, as of September
4 of 2002 or before that time period?

5 A. Oh, you are talking about this one. When
6 we, all the residents, when we get together, we talk
7 about our performance, we talk about how our
8 supervisors feel about things that we do. So then
9 she and other residents, if they have a problem with
10 their supervisors and they have problems with some
11 of the patients, they used to ask me, if they have
12 any difficulty with patients, and they used to ask
13 me how to treat those patients.

14 Q. You surmise based on what they told you that
15 they were doing worse than you were?

16 A. Yes.

17 Q. You have never seen their evaluations?

18 A. Yes, but I have seen some of the letters
19 from other colleagues of mine.

20 Q. We are going to go on to these other
21 colleagues, but in terms of this individual, you
22 didn't see any type of written evaluation with
23 regard to her performance?

24 A. No.

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1 Q. Let's move on to any other residents that
2 you can identify, same section, that were similarly
3 situated to you and who had worse performances,
4 could you tell me about someone else?

5 A. Yeah, there is one Dr. Chris Babbage.

6 Q. Dr. Chris?

7 A. Babbage.

8 Q. Spell the last name, please.

9 A. B-A-B-B-A-G-E.

10 Q. B-A-B-A --

11 A. B-B-A-G-E.

12 Q. Okay, and male or female?

13 A. Male.

14 Q. And tell me what you know about Dr. Babbage?

15 A. What I know about Dr. Babbage?

16 Q. Sure, you stated that there are other
17 similarly situated individuals who had worse
18 performances than you did, tell me how you found out
19 that Dr. Babbage had a worse performance during that
20 time period?

21 A. Because he used to tell me that he had
22 problems with patients, treating patients, he had
23 problems with supervisors.

24 Q. So similar with what you stated about

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1 Dr. Darabus?

2 A. Correct.

3 Q. Same question, did you ever have an
4 opportunity to see any evaluations of Dr. Babbage?

5 A. No.

6 Q. Did you ever have an occasion to speak with
7 any supervisors of this doctor?

8 A. No, no, except the one supervisor,
9 Dr. Kirshner, Dr. Kirshner supervises all residents,
10 and he told me that he puts me above average.

11 Q. Above what?

12 A. Average, and there are many residents who
13 are worse than me.

14 Q. So that was his impression?

15 A. That was his impression, yes.

16 Q. Okay. Did you have a good relationship with
17 that doctor, Dr. Kirshner?

18 A. I think I have good relationship with
19 everybody.

20 Q. I know, but specifically with regard to that
21 doctor, did you have a good relationship?

22 A. I have a good relationship with everybody,
23 yes.

24 Q. I understand, but did you have a good

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1 relationship specifically with that doctor?

2 A. Not specifically, but everybody, that
3 includes Dr. Kirshner, yes.

4 Q. So you did have a good relationship?

5 A. Yes.

6 Q. Okay, that's fine. Can you identify some
7 other residents that you had better performance
8 than?

9 A. Dr. Savu.

10 Q. Doctor who?

11 A. Raluca Savu.

12 Q. Spell the first and last name, please.

13 A. R-A-L-U-C-A S-A-V-U.

14 Q. And tell me a little bit about that doctor,
15 please?

16 A. She had problem with her supervisors.

17 Q. What kind of problems did she have?

18 A. Mainly focusing her knowledge and attitude,
19 I guess.

20 Q. I'm sorry, namely what?

21 A. Knowledge and attitude.

22 Q. What about her knowledge and attitude?

23 A. I don't know, her supervisors would know
24 better, but her supervisors complained about her

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1 A. Yes.

2 Q. And how did they complain about her?

3 A. I don't know how they complain, but this is
4 what she told me, and then --

5 Q. So let me get this straight, you may have a
6 situation where you are doing a residency with a
7 couple of these doctors, and it might be early in
8 the morning or something, and you are all sitting
9 around and you are having some coffee, and you may
10 complain about some treatment you are having with
11 one of the doctors, and then you are stating that
12 some of the other doctors may be stating as well
13 that they have problems with doctors?

14 A. Yes.

15 Q. All right. So this is basically some type
16 of a chat session among the doctors?

17 A. Yes.

18 Q. Got it. Okay, anyone else other than those
19 four individuals?

20 A. I recall these names.

21 Q. I'm sorry?

22 A. I recall only these names.

23 Q. Only these names, okay. Now, the next
24 section you are asked, "How has this treatment

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1 told that I need to do minimum number of clinical
2 rotations that is required by the Board and that all
3 those rotations are completed by June '02, so she
4 said --

5 Q. Take your time.

6 A. Sorry. So then she told me that she would
7 not let me graduate before December of '03, and then
8 I have to repeat those rotations, so that was a
9 humiliation because I have to work with my junior
10 colleagues, so everything came together, so I was
11 sick, and then I sent an e-mail to Dr. McCarley, I
12 talked to Dr. McCarley to help me, and I requested
13 him that let's set up a meeting with me, you and
14 Dr. Mushrush, and I am ready to do whatever it is
15 that's deficient, because Dr. Mushrush is not
16 telling him the truth. He said, That's okay with
17 me, and then he agreed. That meeting never
18 happened, and Dr. McCarley told me that I have to do
19 whatever Dr. Mushrush is telling me to do. So then
20 I got really, I felt helpless, there is nobody to
21 help me, and I know that an injustice has been done,
22 and there is nobody to help me, so because the only
23 course is open to me, I did not know what I was
24 supposed to do, and I went to the attorney and all

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1 that and found out the procedure to make complaints.

2 Q. And did you go and see someone to make a
3 complaint or did you make a telephone call?

4 A. A telephone call.

5 Q. And under the second section here where you
6 have some handwriting, it states, "If this, these
7 incident or incidents is beyond the 45 calendar
8 days, please specify the reason why you waited
9 before contacting the EEO Official," and that's when
10 you have written here the mental stress caused by
11 the discrimination made you disoriented. How long
12 did this period of disorientation last?

13 A. Off and on for two, three months.

14 Q. Off and on?

15 A. Yes.

16 Q. And when it was disturbing you, how long
17 would that take place, can you give me a timeframe?

18 A. I think I was completely disoriented for a
19 month and a half, so it could have been probably in
20 July and August, and then I started going to the
21 V.A., and sometimes, and at one time I remember I
22 got dizzy on my way thinking about the V.A., because
23 the V.A. was a big stress for me, whenever I go to
24 the V.A. I used to get panic attacks, and at one

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1 A. Yes.

2 Q. And if you would have gotten a full license,
3 you could have applied for that job?

4 A. Actually, let me back up. In 2002, I got a
5 letter offering me a job that would have paid me
6 \$275,000 in Minnesota if I wanted to go, so there
7 was a letter sent by, a letter said that after my
8 graduation I can have a job that would pay me
9 \$275,000, plus free housing and other perks with it,
10 but also it was contingent on getting full license.

11 Q. So for any job that you would have
12 potentially taken, you would have to pass whatever
13 requirements that the Licensing Board had, Board of
14 Registration in Medicine, and get a full license for
15 any state that you worked in?

16 A. Yes.

17 MR. FARQUHAR: Got you. Okay, I have
18 nothing further.

19 MR. BARISON: Thank you.

20 (Whereupon, at 1:11 p.m., the deposition
21 was adjourned.)
22
23
24